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Investigation of Missing Artifacts at the Anthropology Museum of the University of Winnipeg

June 2002

Office of the Auditor General
MANITOBA

Office of the Auditor General
500 - 330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

June 2002

The Honourable George Hickes
Speaker of the House
Room 244, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I have the honour to transmit herewith my June 2002 report on the Investigation of Missing Artifacts at the Anthropology Museum of the University of Winnipeg to be laid before Members of the Legislative Assembly in accordance with the provisions of Section 28 of The Auditor General Act.

Respectfully submitted,

Jon W. Singleton, CA•CISA
Auditor General

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The situation we encountered in our investigation of missing artifacts was dismaying and egregious in several respects. However, I am encouraged by the University's response to our findings and recommendations, and I am particularly impressed by the University's determination to be a part of the process of dealing with the future impact of past actions.

On the surface, this investigation seemed simple. Artifacts were missing and only limited documentation existed to support the deaccessioning and repatriation of these missing artifacts. However, underlying this simplicity, as the University of Winnipeg so eloquently indicated in their response is "a passionate academic debate about the status of culturally significant aboriginal artifacts in university museums; about rights in those artifacts; about the desirability of their repatriation; and about what standards should be brought to bear when deaccessioning is undertaken." It was with this passion that citizens believed that an independent investigation was necessary and approached our Office. Had there been appropriate consultation, and transparent and open communication with those who believed that they had interests in the artifacts, our involvement may not have been necessary.

My belief is that it is essential for those entrusted with the care of public resources to carefully document key decisions and transactions dealing with those resources. In the absence of complete documentation, transparency and accountability mechanisms break down, and the risks of inappropriate decisions and actions increase exponentially. As stated by the University, "The existence of a legitimate academic dispute over repatriation does not excuse or justify the museum's failure to keep proper deaccessioning records, or in general to abide by the museum's own policy on deaccessioning".

Issues facing the public sector are becoming more and more complex. Legislation, regulations, policies and procedures are used to provide guidance to decisions and actions contemplated by those entrusted with public resources. Vital to this is the need to ensure that a culture of ethical behaviour is nurtured. Employees with a well-developed sense of ethics are in a better position to make appropriate decisions in cases where existing policies and procedures are deficient. Senior managers need to ensure that employees are aware of the ethical principles that should guide them in their day to day work. Embedded in these ethical principles should be the special duty of care owed to all citizens of Manitoba for the management of public resources.

I hope that this report reminds those working in the public sector of the importance of ethics and documentation to their work.

Jon W. Singleton, CA•CISA

Executive Summary

On November 2, 2001, representatives of the Office of the Auditor General (OAG), formerly Office of the Provincial Auditor, met with citizens of Manitoba who brought forward allegations regarding aboriginal artifacts maintained at the Anthropological Museum (Museum) within the Department of Anthropology (Department) at the University of Winnipeg (University). The allegations concerned the inappropriate removal and disposition of aboriginal artifacts from the ethnological collection of the Museum in contravention of the Anthropology Museum Policy Manual.

On December 11, 2001 the President of the University was notified of our intention to conduct an inspection audit. Section 17(4) of the Provincial Auditor's Act permits the Provincial Auditor (Auditor General effective May 1, 2002) to perform an inspection audit in respect of a recipient of public monies such as the University.

In order to investigate these allegations, we conducted an inventory count of the ethnological collection, and reviewed documentation maintained by the Museum, Department staff, and other stakeholders. We also conducted interviews with present and past Department faculty, University administrators, discussed and conducted interviews within the aboriginal community, and conducted interviews with other individuals who were identified during our review as having pertinent information that would assist us.

A glossary of terms used throughout this report is located in Appendix A.

The allegations as brought forward by citizens of Manitoba, and our conclusions on those allegations are as follows:

Allegations	Conclusions
• That an estimated 41 artifacts listed as inventory in the Museum were known to have been removed from the ethnological collection by unknown individuals. However, it was unknown whether or not other artifacts may be missing from the ethnological collection.	• In total, 89 ethnological artifacts were not located, including 58 from the Northern Ojibwa collection of which 33 related to Pauingassi. See Appendix B.
• That at least 4 of those artifacts were identified as having been deaccessioned to the Three Fires Society in Wisconsin, U.S.A. in May 1998.	• Deaccessioning of a number of artifacts was conducted over a period of time and culminated with the delivery of 2 waterdrums and 2 birchbark scrolls to a representative of the Three Fires Society on May 8, 1998. Interviews with those directly involved in the deaccessioning indicate that they had no direct knowledge of the ultimate destination of the repatriated artifacts at the time of the deaccessioning. The ultimate destination of 2 waterdrums and 2 birchbark scrolls was reported by the media in September 1999 and has been confirmed in interviews with stakeholders.
• That a fifth artifact, a raven headdress collected from the Little Grand Rapids area was alleged to have been deaccessioned from the ethnological collection, but its whereabouts is unknown.	• This raven headdress was listed in the Museum's inventory catalogue, but could not be located during our count. Interviews indicate that this artifact was also deaccessioned at the same time as the 2 waterdrums and 2 birchbark scrolls. It is unknown who may have it in their possession at this time.

Allegations	Conclusions
• That the deaccessioning of these artifacts had been completed unilaterally by certain employees of the University without consultation with the families or communities from which the artifacts had been obtained, and without the knowledge or consent of others at the University.	• No formal written documentation requesting repatriation of any of the artifacts was available for our review. • With respect to artifacts from the ethnological collection, interviews conducted and documentation reviewed indicate that neither the individuals who contributed the artifacts, nor the communities from which the artifacts were collected, were consulted or made aware of the deaccessioning prior to September 1999. • The Museum Committee did not advise, solicit advice from, nor report to the Department or Department Chair in relation to the deaccessioning of those artifacts from the ethnological collection, as per the Museum Policy Manual. • There was no consultation with senior University administration, and no authorization sought for the deaccessioning. Notification of the deaccessioning was first made known to them in September 1999 by representatives of the Museum Committee.
• That the Museum Policy Manual was not reviewed by higher levels of University administration, nor by the University Senate or Board of Regents.	• This allegation was confirmed.
• That the policy in place on repatriations are minimal compared to the policy guidelines of other museums.	• Policies and procedures regarding Museum governance, deaccessioning and repatriation need to be improved.
• That the Museum did not keep appropriate records on deaccessioned artifacts.	• Documentation and inventory records were not complete and did not provide appropriate information regarding artifacts deaccessioned, as required under the Museum Policy Manual.
• That the removal of the deaccessioned artifacts to Wisconsin may have been undertaken in a manner that could constitute an offence under the Cultural Property Export and Import Act.	• Our review of the Act and the descriptions of the deaccessioned artifacts from the ethnological collection's catalogue indicate that the birchbark scrolls and the waterdrums may be artifacts which may be classified as Group II objects as defined by the Canadian Cultural Property Control List, and thereby objects which are subject to the provisions of the Act in respect of their export from Canada. Until such time as an assessment has been made in the manner prescribed by the Act, it is unknown whether or not a permit would have been required or issued.

Generally, we found that inventory controls and documentation over the ethnological artifact collection were not sufficient to ensure that the collection was adequately safeguarded, and that the Museum deaccessioned artifacts in a manner contrary to accepted practice and contrary to its own Museum Policy Manual.

Recommendations resulting from our findings and conclusions are contained in Section 8.0.

1.0 Introduction

1.1 REQUEST

On November 2, 2001 representatives of the Office of the Auditor General (OAG), formerly Office of the Provincial Auditor, met with citizens of Manitoba who brought forward allegations regarding aboriginal artifacts maintained at the Anthropology Museum (Museum) within the Department of Anthropology (Department) at the University of Winnipeg (University). The allegations concerned the inappropriate removal and disposition of aboriginal artifacts from the ethnological collection of the Museum in contravention of the Anthropology Museum Policy Manual.

On December 11, 2001 the President of the University was notified of our intention to conduct an inspection audit. Section 17(4) of the Provincial Auditor's Act permits the Provincial Auditor (Auditor General effective May 1, 2002) to perform an inspection audit in respect of a recipient of public monies such as the University.

1.2 SCOPE

Our work consisted of such examination and procedures that we determined were necessary to address the allegations raised, and any other issues that arose during the course of this audit. Our investigation covered the period from May 1, 1996 to February 28, 2002.

The investigation was conducted from November 2001 to February 2002 and included an inventory count of the Museum's ethnological collection, analysis of policy and financial information, and a detailed review of correspondence and other supporting documentation maintained by the Museum, the Department staff, and other stakeholders.

We also conducted interviews with present and past Department faculty and University administrators, discussed and conducted interviews within the aboriginal community, and conducted interviews with other individuals who were identified during our review as having pertinent information that would assist us.

A glossary of terms used throughout this report is located in Appendix A.

We engaged KPMG Forensic Inc. and an independent Museum Curator to work with our office during the investigation.

2.0 Background

2.1 THE MUSEUM

The Canadian Museum Association defines a museum as:

> *"a non-profit, permanent establishment, exempt from federal and provincial income taxes, open to the public at regular hours, and administered in the public interest, for the purpose of collecting and preserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, objects and specimens of educational and cultural value, including artistic, scientific (whether animate or inanimate), historical and technological material."*

The Museum has been a member of the Association of Manitoba Museums (AMM) since 1993. As a member of AMM, the Museum has adopted, as its Code of Ethics, the standards espoused by AMM. The standards relate to the Museum's collection, volunteers and/or employees and the public. The standard relating to collections states that a museum *"...shall follow policies which are accepted within the profession, respecting acquisition and disposal of items pertaining to the museum, as well as avoid misuse and illegal activity."*

The Mission Statement of the Museum as stated in the Museum Policy Manual:

> *"...is the preservation of heritage materials, public education and research relating to the discipline of anthropology..."*

The Museum is financially supported by the University. Approximately one-fourth of the Department's annual operating budget (not including salaries) is allocated to collection maintenance and displays.

The Museum was established in the early 1960s to develop a quality reference and teaching collection. Its collections span the earliest evidence of human remains to contemporary cultures from various places around the world. The collections focus on the discipline of anthropology and can be divided into three main areas: ethnography, physical anthropology and archaeology. As the Department of Anthropology grew, faculty and staff brought with them collections they acquired while conducting research and archaeological field schools. Donations were also made by the private sector.

In the early 1970s, a Department professor came into possession of various aboriginal artifacts while conducting research activities in and around Pauingassi, Little Grand Rapids, and Jackhead First Nations areas. Some artifacts were collected or obtained as gifts by the professor, while others were purchased with University funds.

The artifacts were listed and catalogued manually. Each artifact was identified by a unique identifying number, a brief description, the area from which it was obtained, and the maker and/or date of origin of the artifact if known. The artifacts were then stored and maintained within a storage area in the Museum. In 1996, the artifacts collected by the professor were photographed and catalogued by the University and the photographs were kept on file within the Museum.

3.0 Allegations

We received the following allegations with respect to the Museum's deaccessioning of certain artifacts contained within the ethnological collection:

- That an estimated 41 artifacts listed as inventory in the Museum were known to have been removed from the ethnological collection by unknown individuals. However, it was unknown whether or not other artifacts may be missing from the ethnological collection;
- That at least 4 of those artifacts were identified as having been deaccessioned to the Three Fires Society in Wisconsin, U.S.A. in May 1998. The artifacts were described as 2 waterdrums collected from the Pauingassi First Nation, and 2 birchbark scrolls collected from the Jackhead First Nation;

- That a fifth artifact, a raven headdress collected from the Little Grand Rapids area, was alleged to have been deaccessioned from the ethnological collection, but its whereabouts are unknown;
- That the deaccessioning of these artifacts had been completed unilaterally by certain employees of the University without consultation with the families or communities from which the artifacts had been obtained, and without the knowledge or consent of others at the University;
- That the Museum Policy Manual was not reviewed by higher levels of University administration nor by the University Senate or Board of Regents;
- That the policy in place on repatriation was minimal compared to the policy guidelines at other museums;
- That the Museum did not keep appropriate records on deaccessioned artifacts; and
- That the removal of the artifacts to Wisconsin may have been undertaken in a manner that could constitute an offence under the Cultural Property Export and Import Act.

4.0 Inventory Count of Ethnological Collection

As part of our investigation of missing artifacts in the Museum's ethnological collection, the OAG conducted a complete physical examination of the entire ethnological collection. The Museum's ethnological collection is housed in the storage room adjacent to laboratory room 4C39. We confirmed with Museum staff that there were no other ethnological artifacts available for our examination.

The count was conducted in three phases:

- Phase one – artifacts from the Northern Ojibwa collection;
- Phase two – artifacts from other North American collections; and
- Phase three – artifacts from Asia, Africa, South Pacific, South and Central America, American Southwest, and India.

Staff from the OAG managed and recorded the examination of the artifacts. and were assisted by an experienced Museum Curator, independent of the University, who assisted in identifying the artifacts. The Museum Curator also ensured that all artifacts were handled in an appropriate manner. In addition to examining and identifying all artifacts, the artifacts included in the Northern Ojibwa collection were photographed.

Findings

- The artifacts in the ethnological collection were stored in a locked room adjacent to a lab classroom. The room was clean and artifacts were safely stored on shelves and in drawers.

- The University catalogue records indicated that 1,296 artifacts were included in the ethnological collection, as well as 435 slides and pictures. The inventory count focussed on verification of the existence of the 1,296 artifacts. A detailed summary of the inventory count results is located in Appendix B.
- During the course of this inventory count, we noted that the catalogue identified some artifacts that were on hand as having been "reclaimed". Artifacts not located within the ethnological collection did not have any notation as to their disposition. One artifact known to have been deaccessioned was not listed in the catalogue.
- We also noted that there were a number of high quality reproductions of artifacts stored with the collection, but not recorded in the catalogue. These are not considered part of the collection, and are used in teaching.

Northern Ojibwa Collection (including Pauingassi, Little Grand Rapids, and Jackhead) – 435 artifacts listed in catalogue.

- 377 artifacts (87%) were on hand and examined.
- 58 artifacts (13%) were not located.
  - 28 of the artifacts not located were marked in the catalogue listing as "reclaimed in 1998".
  - The remaining 30 artifacts are unexplained. These include:
    - 20 artifacts from the Pauingassi collection (a number of sucking tubes and medicine bags, etc.); and
    - 10 artifacts from Little Grand Rapids and Jackhead (a raven headdress, drum, basalt pipe, medicine stone, etc.).
- Our examination noted a small box containing several artifacts that appeared to have been set aside and segregated from the rest of the collection. The box contained 21 artifacts including several sucking tubes, 2 drum sticks, a small handheld drum, a cloth bag, 2 small pieces of wood doweling, and several sea shells. 14 of these artifacts were from Pauingassi, and 1 artifact was from Little Grand Rapids. However, 6 of the artifacts did not contain a catalogue number and could not be matched to any catalogue listing.
- We were told that the small box had been set aside because it has special spiritual significance to certain aboriginal groups who believe that this material should not be generally handled or viewed.
- The catalogue records for the collection do not list the 2 birchbark scrolls from Jackhead as having been part of the collection at any time. However, our interviews indicated that these artifacts had previously formed part of the ethnological collection.
- One artifact, a waterdrum, was not on hand at the time of our initial examination. We were told that an employee had taken this artifact home to carry out repairs. However, we noted that this artifact was marked as "reclaimed in 1998" in the catalogue. We were told that no log or record

is maintained to record the removal and subsequent return of artifacts to the collections.

- The waterdrum was returned immediately upon our request and we verified it to the catalogue listing. We noted that the waterdrum was in very poor fragile condition, and had been returned to the University covered only by a plastic garbage bag. This method of handling is not consistent with the high level of care required for the handling of artifacts in the ethnological collection.

Other North American Aboriginal Collections – 167 artifacts listed in catalogue.

- 159 artifacts (95%) were on hand and examined.
- 8 artifacts (5%) were not located.

Asia, Africa, South Pacific, South and Central America, American Southwest and India - 694 artifacts listed in catalogue

- 655 artifacts (95%) were on hand and examined.
- 23 artifacts (3%) were not located.
- 16 artifacts (2%) were on loan to another institution and documentation was on hand to support the loan of the artifacts.
- Our examination noted that some artifacts had up to three different catalogue numbers, making it difficult to reconcile the catalogue listing.
- We examined an additional 23 artifacts over and above the 694 artifacts listed in the catalogue. These artifacts did not have a catalogue number.

Conclusions

- Of the 1,296 ethnological collection artifacts listed in the catalogue, 1,191 (92%) of the artifacts were located and examined. 89 (7%) of the artifacts were not located and 16 (1%) of the artifacts were on loan.
- Generally, we found that inventory controls and documentation over the ethnological collection were not sufficient to ensure that the collection was adequately safeguarded. The University has a responsibility to ensure that assets in their control are appropriately safeguarded against loss or damage. This includes artifacts in University collections such as the ethnological collection.

5.0 Deaccessioning of Artifacts from the Ethnological Collection

As a result of a request to access Pauingassi artifacts within the ethnological collection, the University and others became aware that an unknown number of artifacts had been deaccessioned to members of a traditional Midewiwin society known as the Three Fires Society and to other unknown persons.

As a result of this particular request the University of Winnipeg Museum Curator stated in a memo to the Department dated September 15, 1999, that "these objects have been 'reclaimed' through proper channels".

In a subsequent memorandum dated September 29, 1999, written and signed by the past and present Department Chairs, and addressed to the parties requesting access to the ethnological collection, it was disclosed that a drum was no longer in the Museum and that, after consultations, it had "entered back into the traditional spiritual community". This memorandum listed 9 individuals as having been consulted. However, as noted below, we found that these individuals were not, in fact, consulted.

Subsequent enquiries and meetings within the University identified 4 artifacts that had been removed from the Museum and provided to a representative of Three Fires Society and that were in the possession of that group in the state of Wisconsin, U.S.A. Further information obtained from the collections catalogue, the Curator and the Department Chair, indicated that other artifacts had been deaccessioned from the ethnological collection. However, the number of artifacts, and to whom they had been given, were not clear.

In the period 1996 to September 1998 the Museum was overseen by a Museum Committee (the "Committee"), comprised of the Anthropology Administrative Technician/Curator as Chairperson and two members of the Department faculty. The Department Chair was considered an ex-officio member. As per the Museum Policy Manual, the Committee was the "governing authority" of the Museum and its responsibilities included, amongst other duties, to advise and solicit recommendations from the Department in relation to museum policy; to report to the Department on all matters relating to the Museum, and "ensuring ethical conduct relating to the museum collections".

The Museum Policy Manual provided the Committee with the authority to approve deaccessions at the request of the Curator. The Museum Policy Manual outlined the following circumstances within which deaccessioning could occur:

- Return of loaned material which had been accessioned into the ethnological collection;
- Repatriation in circumstances where it can be demonstrated that materials will be properly preserved and cared for, and that the requestor has a "right" to the material;
- Accidental loss or destruction; and
- Materials which are no longer relevant to the Museum's purposes such as duplications, surpluses, or where there is no future value to the Museum.

The procedures for undertaking deaccessioning of artifacts required that the deaccession date be recorded in the original catalogue, and the entry initialed and stamped. Also, a list of deaccessioned artifacts was to be compiled containing descriptive numbers, object names, and the reason for deaccessioning. This list was to be maintained in a Deaccession File, as well as in the appropriate Collection Files, Site Files, and/or Donor Files.

Findings

- Interviews with Department personnel indicated that the Committee was quite autonomous and operated independent of the Department and

University administrators. Committee meeting minutes were not routinely prepared nor maintained.

- Interviews determined that in late 1997 or early 1998, an interest in repatriating artifacts from the ethnological collection, which had been designated as restricted due to their sacred and/or sensitive nature, was being discussed.
- A University employee external to the Department, who had a connection with members of the traditional aboriginal community that had expressed an interest in obtaining these types of artifacts, was aware of these discussions. That employee facilitated a dialogue between certain members of the Committee and the traditional aboriginal community. This ultimately resulted in a decision in 1998 to repatriate artifacts to them.
- The Department Chair, though aware of the desire to repatriate sacred/ sensitive artifacts from the enthnological collection, was not made aware of any deaccessions from this collection.
- The deaccessioning of artifacts from the ethnological collection occurred over a period of time and culminated with the delivery of 2 waterdrums and 2 birchbark scrolls to a representative of Three Fires Society on May 8, 1998.
- Our interviews identified that a raven headdress was also deaccessioned at the same time. However, neither to whom it was repatriated, nor who may have it in their possession at this time, is known. The deaccessioning of the raven headdress was not supported by any documentation.
- No formal documentation existed in support of any of the deaccessioning that occurred.
- Interviews were not able to determine the present whereabouts of other deaccessioned artifacts.
- Our interviews revealed that, although further repatriation had been contemplated, no further repatriation or deaccessioning has occurred from the ethnological collection.
- Documentation reviewed stated that consultation with traditional mentors had been undertaken, however, our interviews indicate that very few of the named individuals were aware of the repatriation. Furthermore, interviews conducted and documentation reviewed indicate that neither the individuals who contributed the artifacts, nor the communities from which the artifacts were collected, were consulted or made aware of the repatriation prior to September 1999.
- The Committee did not advise, solicit advice from, nor report to the Department or Department Chair in relation to the deaccessioning of the artifacts from the ethnological collection, as per the Museum Policy Manual.
- There was no consultation with senior University administration, and no authorization sought for the deaccessions. Notification of the deaccessioning was first made known to them in September 1999 by representatives of the Museum Committee.

- Contrary to the Museum Policy Manual, the Committee did not undertake any due diligence to ensure that those to whom the artifacts were repatriated had the ability to preserve the artifacts.
- Museum inventory records of the artifacts were not maintained in a manner which allows for the identification of those persons who request repatriation, the date artifacts are deaccessioned, nor the authority for doing so as required by the Museum Policy Manual.

Conclusion

- The Museum deaccessioned artifacts in a manner contrary to accepted practice and to its own Museum Policy Manual.

6.0 Policies and Procedures

During the course of this investigation we reviewed the policies and procedures of several museums across Canada to determine accepted practice within the museological community. Further, we worked with an independent Museum Curator in the review of the Museum's Policy Manual. We also focused our review to encompass the issues raised in the allegations.

The Museum Policy Manual was compiled in April 1995 with revisions in July 1996, October 1999, October 2000 and October 2001. The manual not only establishes a number of policy statements that guide the day-to-day operations of the Museum, but also defines procedures or guidelines for administration of these policies.

A conscientious effort has been made to articulate and adopt appropriate museological policies and procedures. The Museum's Policy Manual is comprehensive in scope, however, the following areas of concern were identified with respect to sections applicable to the ethnological collection.

6.1 GOVERNANCE

Findings

- As per the Museum Policy Manual, "the Museum Committee acts as the governing authority to the Anthropology Museum". The Committee is to report to the Department on all matters relating to the Museum.
- The Museum Policy Manual lacks a clear articulation of the relationship of the Museum to its "parent corporation", the University.
- While the University ultimately bears responsibility for the functioning of the Museum and the conduct of its personnel, the Museum Policy Manual does not specify the reporting of the Department to the University with respect to operations of the Museum.
- The Committee has operated independently in the deaccessioning of artifacts from the ethnological collection.

Conclusion

- Policies pertaining to governance of the Museum require clarification, most notably with respect to the specific mandates and reporting relationships of the Committee, the Department and the University's senior administrators and governing body.

6.2 DEACCESSIONING POLICY

Findings

- The deaccessioning policy in the Museum Policy Manual was not complied with in the deaccessioning of artifacts. Specifically, the required documentation for the deaccessioned artifacts, including the reason for the repatriation, was not created nor kept in permanent files.
- There was no documented evidence to demonstrate that the deaccessioned artifacts would be properly preserved and cared for, nor that the recipients of the artifacts had a "right" to these artifacts, as required by the deaccessioning policy.
- There was no documentation available to confirm that Committee approval for the deaccessioning of the artifacts had been given. Approval for deaccessions is to be given by the Committee at the request of the Curator.
- Appraisals for artifacts in the ethnological collection are to be done by a qualified specialist not associated with the Museum or University. However, discussions with University administrators indicated that no appraisal of the collection has ever been conducted.
- The Museum and its ethnological collection are insured through the University under a blanket policy. As no formal appraisal of the collection has been conducted, the value of the collection is not fully known.
- The deaccessioning policy does not address the potential legal issues that could arise as a result of the transfer of ownership and/or responsibility for material.
- Our review of deaccessioning policies utilized in other museums, indicates that museums generally undergo deaccessioning with caution and careful determination, particularly if the object moves beyond control of a museum. Careful consideration must also be given to any restrictions or agreements made with the donor/source regarding the use or disposal of an artifact when it is initially accessioned into the collection. Any deaccessioning of artifacts (which would include repatriated material) could involve the transfer of legal title (and property value) to an alternate owner(s) and should be conducted with as much public transparency as possible.
- Museums in Canada and the United States have a history of experiencing claims from individuals or communities for materials undergoing repatriation or in the process of being repatriated.

Conclusions

- The deaccession policy in the Museum Policy Manual was not complied with in the deaccessioning of the missing artifacts.
- The deaccession policy does not thoroughly deal with the documentation requirements around the transfer of ownership/responsibility of artifacts being deaccessioned.
- The financial value of the ethnological collection is unknown at this time.

6.3 REPATRIATION POLICY

Findings

- There were no specific repatriation policies or procedures outlined in the Museum Policy Manual in effect in May of 1998, nor currently in effect, with the exception of one reference relating to the repatriation of material: "...must be demonstrated that materials will be properly preserved and cared for in a manner appropriate for that object and that the requestor has a 'right' to the material".
- Although the Museum Policy Manual currently contains a section concerning sensitive and sacred material, it provides no definition of exactly what constitutes "sacred" or "sensitive".
- Based on a review of other repatriation policies utilized in other museums, repatriation policies should reflect the deaccessioning policies and procedures, and should include:
  - a definition of sacred and sensitive materials;
  - definition of materials subject to repatriation;
  - procedural mechanisms to respond to repatriation requests;
  - consultation mechanisms and procedures; procedures for claimant requests; and
  - mechanisms to deal with claims or "extra-legal" claims; and mechanisms to determine appropriate disposition.
- Manitoba has no legislation relating to the repatriation of artifacts held in museum collections. An exploration of existing legislation in several jurisdictions identified the Province of Alberta's *First Nations Sacred Ceremonial Objects Repatriation Act*. The Act recognizes a need, to harmonize the role that museums play in the preservation of human heritage with the desires of First Nations to regain sacred ceremonial objects that are vital to the practice of their ceremonial traditions.

Conclusion

- The Museum Policy Manual lacks an appropriate repatriation policy and associated procedures.
- It may be appropriate for Manitoba to explore developing similar legislation which identifies the right, and a process for, repatriation.

7.0 Cultural Property Export and Import Act

The Cultural Property Export and Import Act and Regulations (the "Act") regulates the export from Canada, and the importation into Canada, of artifacts "designated by Canada as being of importance for archaeology, prehistory, literature, art or science". The Act contains requirements for the obtaining of export permits for artifacts described and defined under the Cultural Property Export Control List (the "Control List"); delineates the procedures to be followed in obtaining permits; and legislates penalties for failure to comply with the Act.

Briefly, these procedures require that applications for artifacts that are, or may be, on the Control List must be referred to an expert examiner for determination as to its inclusion on the Control List, its significance and national importance, and recommendation as to whether or not a permit should be issued. The Act also refers to cultural property agreements between Canada and foreign states that allow for proceedings to be undertaken to recover artifacts which may have been exported in contravention of the Act.

Findings

- The deaccessioning of 2 waterdrums and 2 birchbark scrolls from the ethnological collection to a local representative of Three Fires Society occurred in Winnipeg, Manitoba on May 8, 1998.
- Interviews with the Committee members and third parties directly involved in the deaccessioning indicate that they had no direct knowledge of the ultimate destination of the artifacts at the time of the deaccessioning.
- Our review of the Act and the descriptions of the deaccessioned artifacts from the ethnological collection's catalogue indicate that the Jackhead birchbark scrolls and the waterdrums may be artifacts which may be classified as Group II objects as defined by the Canadian Cultural Property Control List, and thereby objects which are subject to the provisions of the Act in respect of their export from Canada.
- Enquiries into the requirement to obtain an export permit pursuant to the Act by Three Fires Society representatives occurred only after the ultimate destination of the waterdrums and birchbark scrolls (Wisconsin, U.S.A.) was reported by the media in September 1999.
- Reciprocal agreements are in existence which provide a process to facilitate the return of cultural property which may have been exported or imported contrary to the provisions of the Act.
- The Movable Cultural Property Section of the Department of Canadian Heritage has undertaken an investigation into the transportation of these artifacts to the United States. To the best of our knowledge at this time, the Department of Canadian Heritage has not made a final determination as to the requirement for the issuance of an export permit in this instance.

- Our interviews indicate that should it be determined that a permit was required under the Act, an application for a permit may be accepted and subsequently a retroactive permit may be issued by the Department of Canadian Heritage.

Conclusion

- There may be an opportunity for recovery of the artifacts from the U.S.A. if the University and those with vested interests choose to pursue this matter prior to a retroactive permit being issued under the Cultural Property Export and Import Act.

8.0 Recommendations

Recovery

- That the University of Winnipeg should consider obtaining legal advice with respect to:
  - the recovery of the artifacts; and
  - the conduct of the individuals who were responsible for deaccessioning the artifacts.
- That the University of Winnipeg consult with the affected parties (those who would have been consulted had an appropriate deaccessioning process been followed) with a view to developing a process to recover the assets and ensure that they are placed in appropriate care.

Artifact Inventory Control

- That the Department ensure that there is complete documentation supporting the accessioning and deaccessioning of artifacts.
- That all artifacts received by the Department should be promptly entered into the catalogue record. Similarly, if artifacts are deaccessioned or otherwise permanently removed from the collection, the catalogue record should be updated promptly.
- That a log should be maintained to record the removal of artifacts from the storage facility for any reason, such as use in classrooms, independent research, or repair. The log should be reviewed daily to ensure that artifacts are returned promptly or to initiate action to recover the artifact.
- That access to the storage facility containing the artifacts should be highly restricted to only authorized personnel. A sign in/out log should be maintained to record and provide a permanent record of people entering the storage facility.
- That the artifact catalogue should be verified to the actual artifacts on hand on an annual basis. The count should be monitored by someone independent of the Department, such as the University's internal auditor. All missing artifacts should be noted and reported to the Dean of Social Science for follow up action.

- That all artifacts in the ethnological collection should be photographed to aid in identifying artifacts in case of theft or other loss.
- That an inventory listing of reproductions should be established and a log should be maintained to record the removal and return of these artifacts. The reproduction inventory list should also be verified annually.
- That permanent locations should be assigned to artifacts in the storage facility and location lists produced. Locations should also be assigned to storage cabinets and shelving in the storage facility.
- That the artifact numbering should be verified and object naming should be verified and standardized.
- That the University reassess its insurance coverage relating to both loss and liability respecting Museum collections.

Museum Policy Manual

- That the Museum comply with the deaccessioning documentation process outlined in the Museum Policy Manual.
- That the Museum Policy Manual's code of ethics include a statement that indicates that the Museum will acquire and dispose of collections in accordance with the laws of the Province, the Federal government and any international agreements between Canada and other countries (e.g., The Cultural Properties Export and Import Act).
- That the deaccessioning policy be expanded to reflect the potential liability associated with possible claims by individuals or groups asserting a "right" to a deaccessioned artifact.
- That a comprehensive repatriation policy and guidelines be developed to include:
  - a definition of sacred and sensitive materials;
  - definition of materials subject to repatriation;
  - procedural mechanisms to respond to repatriation requests;
  - consultation mechanisms and procedures;
  - procedures for claimant requests;
  - mechanisms to deal with claims or "extra-legal" claims; and
  - mechanisms to determine appropriate disposition.

Museum Governance

- That the University undertake a study of the governance policies of similar institutions and use this information to develop appropriate governance policies for the Museum.
- That the University consider the formation of an Aboriginal Advisory Group to offer advice to the Committee concerning Aboriginal issues pertaining to the Museum.

- That the University consider augmenting the membership of the Committee to include ad hoc advisory representatives, such as a representative from the archaeological division with the Historic Resources Branch of the Province of Manitoba or representatives from other university departments who may utilize/contribute to the collections.

Response from the University of Winnipeg

The University of Winnipeg has been pleased to cooperate fully with the Office of the Auditor General in this Investigation of Missing Artifacts at the Anthropology Museum. We regard the present report as an important clarification of the basic facts in a longstanding dispute that has had regrettable and destructive effects within the University itself as well as on relations between the University and the aboriginal community. We find the recommendations of the auditors helpful and sensible, sensitive to the historical and philosophical difficulties surrounding this issue, and an invaluable contribution overall to our efforts to resolve the situation.

While the allegations which gave rise to the auditors' investigation seem quite straightforward, they are in fact enmeshed in a passionate academic debate about the status of culturally significant aboriginal artifacts in university museums, about rights in those artifacts, about the desirability of their repatriation, and about what standards should be brought to bear when deaccessioning is undertaken. As an institution committed to academic freedom, the University of Winnipeg has neither wished - nor been at liberty - to discourage that debate, but at the same time it has become increasingly aware in recent years that much of the emotional cost of continuing debate in the University has been borne by the aboriginal community outside of our walls. We regret this deeply, as indeed we regret any distress that has been felt within those walls during this affair. The University Administration has stated, and continues to hold, the view that ultimate disposition of aboriginal artifacts in the Anthropology Museum collection is a matter for determination by the aboriginal community, acting jointly with University authorities and according to the best ethical and professional standards and procedures.

On the matter of standards and procedures, however, the auditors' report gives particular cause for concern. The existence of a legitimate academic dispute over repatriation does not excuse or justify the museum's failure to keep proper deaccessioning records or in general to abide by the museum's own policy on deaccessioning. Indeed, given the fact that certain aspects of the repatriation issue are known to be contested, it would seem all the more important that scrupulous documentation should be maintained, and furthermore that extensive and rigorous consultation with interested parties (especially those who might reasonably be presumed to have particular rights or interests in the material) should take place. "Interested parties" in this context ought logically to include the corporate university itself and its relevant authorized officers: the Dean of Social Science (within whose jurisdiction the Anthropology Department lies), the Vice-President (Academic), and the President. That there was no consultation with senior administration and no authorization sought for the deaccessioning; that the Museum Committee did not report in detail to either the Department or the Department Chair concerning the deaccessioning; that neither the individuals who contributed or sold the

artifacts to the University, nor the communities from which the artifacts were collected, were consulted or made aware of the deaccessioning prior to September 1999: all of this points, on the one hand, to the urgent need for improvements in our system of museum governance and accountability, and, on the other, to the conclusion that, even allowing for weaknesses in the system of governance, the museum's deaccessioning of items from the Northern Ojibwa ethnological collection has been characterized by serious lapses in judgement or even breaches of trust.

The Anthropology Museum is supported by approximately one-fourth of the total operating budget of the Department of Anthropology and its mission is to preserve heritage materials, foster public education, and advance research in the discipline of anthropology. As an integral part of the University's academic mission, the museum is expected to conduct itself according to the highest academic values, not the least of which is the obligation to respect opposing views, to encourage debate in an atmosphere of openness and collegiality, and to maintain in a proper and safe condition those materials the care of which has been entrusted to it. To the extent that decisions about the disposition of the artifacts in question have been lacking in transparency, that consultation with interested parties has been only selective and limited, and that in consequence a substantial number of items have left the collection without any documentation indicating the recipients or their right to the objects, the persons responsible have failed to uphold their academic obligations. While the University is quite prepared to recognize that the motives of these people may have been sound and in some respects and at certain times admirable, it nevertheless remains the case that the Anthropology Museum is the autonomous domain of no one person or group of persons, and thus ought not to be governed or defended by reference to personal motive, however honest. The task and responsibility of the museum is much broader, and the key motive relevant to its operation is the academic commitment to free enquiry and the pursuit of truth. That it has taken so long, and an investigation by the Office of the Auditor General, to bring to light facts that have been obscured for nearly three years, is an indication of how remote from the day-to-day operation of the museum this goal has sometimes been.

While the University recognizes that some of the items concerned were sacred or of a sensitive sort, and thus might legitimately be argued to have required alternative and less bureaucratic processes for deaccessioning, it takes the view that in a public institution - and in dealing with materials that are held in public trust - such processes must always be arrived at in consultation with senior authorities, and must acknowledge a certain minimum level of accountability. That in this case the process involved neither is a matter of great concern. It is certainly true that the Anthropology Museum Policy Manual indicates that sacred or sensitive objects will not be subject to the same deaccessioning procedure that is prescribed for ordinary objects, but this cannot in itself justify or licence what was done. After all, if neither the policy itself nor the

decision to classify objects as sacred or sensitive was ratified by authorized persons outside of the group seeking to deaccession them, the process contained no meaningful checks against abuse. While the museum has argued that a certain authority in this matter resided or could be identified in the aboriginal community itself, and while the University readily concedes there is some force to this argument, it remains a violation of proper process for persons either within or without the University to adjudicate issues in which they have, or may expect to have, a significant interest.

The University of Winnipeg has already implemented many of the recommendations made in the Auditor General's report, and in the months to come it will implement others. We would note that the Anthropology Museum itself has over several years, and of its own accord, effected a number of significant revisions to the Anthropology Museum Policy Manual which, since 2000, has been under larger-scale review at the decanal level. This process will now be accelerated and approval of the revised Manual sought from the Administrative Council of the University. Attention will be paid to the development of a comprehensive repatriation policy along the lines suggested by the Auditor General. That the deaccessioning documentation process outlined in the present Manual will be rigorously followed in future is an expectation of the University.

The Auditor General's report raises important questions about museum governance, and the Vice-President (Academic) will immediately undertake a study of the governance policies of similar institutions in order to develop more appropriate policies for the Anthropology Museum at the University of Winnipeg. In particular, he will be charged with developing a structure of governance in which those minimum levels of accountability referred to above are guaranteed. The Curator and the Museum Committee must be accorded the measure of autonomy appropriate for day-to-day operations, but on matters of policy and on the implementation of policy in sensitive or controversial areas, accountability to the administration and to the broader community must be formalized. It is recognized that the latter may be accomplished in different ways. For example, the Department Chair has suggested that a flow accountability - such as that instituted in January 2000 for the repatriation of human remains and associated cultural items, wherein coordination between the Provincial Historic Resources Branch and the Anthropology Department prompts notification of senior administration when a repatriation is being prepared - might be added to the Policy Manual. The University will consider seriously the two suggestions made in the Auditor General's report: that an Aboriginal Advisory Group formally be constituted to offer advice to the Museum Committee on aboriginal issues pertaining to the museum; and that the Museum Committee be augmented by ad hoc advisory representatives from within and from outside of the University. Both suggestions seem useful in principle, and it has in fact been the practice of the Museum to make use of advisors from both aboriginal and non-aboriginal groups; ensuring that those advisors represent an

appropriate range of opinion is the key difficulty to be overcome in implementing this recommendation, and a matter that will demand considerable and special attention in view of our recent experience in the contested field of repatriation.

On the matter of artifact inventory control, the University recognizes the good sense of all that is recommended, and will certainly pursue much stricter control as a general goal. It should be noted that a number of the measures proposed are already in place, although sometimes in rather rudimentary form, and the greatest obstacle to their full development is the lack of resources. The University will investigate additional sources of funding to underwrite the development of a comprehensive and effective system for monitoring inventory in the museum. Losses such as have been documented in the report must not recur.

Measures have already been taken, and others soon will be adopted, to regulate more tightly the passage of material into and out of the museum collection. While these will protect against future loss, the University also must deal as best it can and where necessary with past events, their consequences, and those persons responsible for breaches of policy and trust in the deaccessioning of material from the ethnological collection. Legal advice has been obtained, and the University will deal appropriately with those of its employees, past and present, who were involved in this process. Legal advice has also been obtained on whether or not recovery of the missing artifacts should be sought, and in that regard the University wishes to state its willingness to facilitate, in ways that might be suggested by aboriginal stakeholders, discussions on what is or might be the appropriate location for the articles in question. The University continues to believe, however, that it should not be a central voice in these discussions, that it may not speak or act for the aboriginal community as a whole or for any particular group. In profoundly regretting the unfortunate way in which the deaccessioning of these particular items was accomplished, the University should nevertheless not be misunderstood to be taking issue with the notion of repatriation itself or to be closing down a debate which it would much prefer to see conducted fully, openly, and in broad cooperation with the aboriginal community. Indeed, it is partly the fact that consultation with the aboriginal and university communities was neither full nor open in these particular deaccessionings - and that the integrity of the repatriation process itself was thereby rendered questionable - that requires the University to take up the issue with those persons involved.

In various statements made since the inception of this affair, the University has tried to remind all parties - disputants and the general public alike - that repatriation is a matter on which passionate voices speak on many sides and with equal conviction, and that the University has never wished or felt entitled to adjudicate the matter. Such a position on the principle of repatriation is in no way compromised by the stance which the auditors' report and information gleaned through our own recent enquiries now require us to adopt. It is clear that, notwithstanding

the University's views on the principle of repatriation, both the manner in which the deaccessioning of the identified items was accomplished, and the number of items so dealt with, was indefensible. The University apologizes to any and all who suffered harm from its recent handling of Northern Ojibwa material, and invites suggestions from the community as to what role it should play in future action to resolve this issue.

Appendix A

GLOSSARY OF FREQUENTLY USED TERMS

Aboriginal	Refers to indigenous peoples of Canada, including people of Indian, Inuit or Metis ancestry.
Accession	The process of acquisition of an artifact through transfer of ownership; transfer of responsibility on a short or long-term; and, collecting as a result of fieldwork. Accessions encompass field collections, purchases, gifts, bequests and trades.
Artifact	Any object showing human workmanship or modification.
Catalogue	Complete enumeration/listing of items arranged systemically with descriptive titles.
Catalogue (ethnographic specimen)	Listing of artifacts with descriptive details arranged by collection (location collected from).
Collection	An accumulation of objects gathered for study, comparison, or exhibition.
Control List (Canadian Cultural Property Export Control List)	A listing of objects or classes of objects, the export of which it has been deemed necessary to control, in order to preserve the national heritage in Canada; established under the Cultural Property Export and Import Act.
Curator	An individual in charge of care and superintendence of the museum collection.
Deaccession	The process used for permanent removal of an accessioned artifact or object from a collection.
Ethnographic Objects	Objects, other than archaeological artifacts, originating with and/or used by members of a First Nation and illustrative of the First Nation's culture at a particular period.
Ethnology	A science that deals with the division of human beings into races and their origin, distribution, relations, and characteristics.
Ethnography	The study and systematic recording of human cultures.
Extra-legal Claims	Not regulated or sanctioned by law.
Group II Objects	Per the Canadian Cultural Property Export Control List, objects of ethnographic material culture; an "object" meaning an object that is not less than 50 years old, and was made by a natural person who is no longer living (has a fair market value in Canada of more than $3,000, and made, reworked or adapted for use by an Aboriginal person of Canada).

Appendix A
(cont'd.)

Guidelines	An indication or outline of policy or conduct.
Midewiwin	Society of the Mide or Shamans, or Grand Medicine Society of the Ojibwas.
Policy	A high-level overall plan embracing the general goals and acceptable procedures especially of an organization.
Procedure	Traditional, established or particular way of doing things.
Repatriation	Means recognizing peoples' stake in their heritage, which in practice can mean such things as negotiated return of objects and related cultural materials, and/or sharing authority and responsibility for care and interpretation of collections in the museum.
Three Fires Society	A society of three major tribal groups which practices the Midewiwin way of life.
Traditional Mentor	- Providing guidance and role modeling in traditional values. - Mentor: A trusted counselor or guide.

Appendix B

University of Winnipeg - Ethnological Collection
Summary of Artifact Examination

	Examined	On Loan	Not Located	Total
Northern Ojibwa				
Pauingassi	210		33	243
Other	167		25	192
Total Northern Ojibwa	377		58	435
Percent	87%		13%	100%
Other North American Aboriginal	159		8	167
Percent	95%		5%	100%
Total North American Aboriginal	536		66	602
Percent	89%		11%	100%
Asia, Africa, South Pacific, South and Central America, American Southwest and India	655	16	23	694
Percent	95%	2%	3%	100%
Total Collection	**1,191**	**16**	**89***	**1,296**
Percent	**92%**	**1%**	**7%**	**100%**

*In 1985, a University employee prepared a listing of artifacts "missing" from the collection at that time. Fifty-seven items were included on this "missing" list. At the time of our examination, 33 of those artifacts could still not be located, and are included in the figures above.